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PATNA HIGH COURT

NOTIFICATION

The 21st September 2016

**ADDENDA AND CORRIGENDA TO PATNA HIGH COURT RULES, 1916
(Fifth Edition) C.S. No.159**

**No.X-06-2016-424R/Rules— The amendment is made in Chapter XIII, Part III
(Fees and Costs) of the Patna High Court Rules, 1916 with immediate effect:-**

**Part – III
CHAPTER XIII
Fees and Costs**

(A) Process Fees :-

1. The Rules of this Chapter, framed by the High Court under clause (i) of Section 20 of the Court-fees Act (VII of 1870), regulate the fees chargeable for serving and executing processes by the High Court.
2. The Amount of process fee.-
 - (i) A fee of Rs.50 only as one time process fee irrespective of the number of respondents shall be charged in all the cases, in court fee stamps, to be deposited within 7 days in admission cases and within 14 days in hearing matters unless otherwise directed from the date of order along with as many copies as per respondents. In case the office is closed on 7th or 14th day, the process fee shall be tendered on the next day when the office is open. This fee will not include the charges for registered cover.
 - (ii) There will be additional fee to the extent of Rs.25 for any miscellaneous application filed during the pendency of the proceedings.
 - (iii) In case of default in depositing the process fee within the aforesaid time, the matter shall be placed before the Court at the earliest for appropriate

orders with an indication in the cause list that the case has been listed on account of non-payment of process fee.

3. Notwithstanding anything in the preceding rule, no fee shall be chargeable for serving or executing –

- (i) any processes which may be issued by the Court of its own motion solely for the purpose of taking cognizance of and punishing any act done or word spoken in contempt of its authority;
- (ii) any copy of a summons, notice, proclamation or other process fixed up in a Court-house or in office of a Collector;
- (iii) any order directing an officer in charge of a jail to detain or release a person committed to his custody.

4. The fees and charges paid in pursuance of these rules shall, unless otherwise provided by these rules, or unless a Judge or Judges otherwise order, be deemed and treated as part of the costs of the party who has paid them.

Provided that no fees or charges which have been refunded, or in respect of which a party might, on application, have obtained an order for a refund, shall be deemed to be costs within the meaning of this rule.

- 5.(a) **For inspection of lower Court records received in connection with appeals/ revisions in pending cases before the High Court**

- (i) by a party to the suit/ proceedings Rs. 25.00
- (ii) If the application is for immediate inspection by a party to the suit.....Rs. 50.00

- (b) **For inspection of pending High Court records**

- (i) If the application is for ordinary inspection Rs.25.00
- (ii) If the application is for urgent inspection Rs.50.00

Note : No fee shall be charged for inspection of criminal records.

(C) Costs :-

6. **The costs shall ordinarily be allowed to the successful party in a proceeding before the High Court:-**

- (i) the court has the discretion to determine:
 - (a) whether costs are payable by one party to another;
 - (b) the quantum of those costs; and
 - (c) when they are to be paid.

Explanation.— For the purpose of clause (a), the expression “costs” shall mean reasonable costs relating to --

- (i) the fees and expenses of the witnesses incurred;
- (ii) legal fees and expenses incurred;
- (iii) any other expenses incurred in connection with the proceedings.

(2) If the court decides to make an order for payment of costs, the general rule is that the unsuccessful party shall be ordered to pay the costs of the successful party :

Provided that the court may make an order deviating from the general rule for reasons to be recorded in writing.

(3) In making an order for the payment of costs, the court shall have regard to the following circumstances, including—

- (a) the conduct of the parties;
- (b) whether a party has succeeded on part of its case, even if that party has not been wholly successful;
- (c) whether the party had made a frivolous counter-claim leading to delay in the disposal of the case;
- (d) whether any reasonable offer to settle is made by a party and unreasonably refused by the other party; and
- (e) whether the party had made a frivolous claim and instituted a vexatious proceeding wasting the time of the court.

(4) The orders which the court may make under this provision include an order that a party must pay—

- (a) a proportion of another party's costs;
- (b) a stated amount in respect of another party's costs;
- (c) costs from or until a certain date;
- (d) costs incurred before proceedings have begun;
- (e) costs relating to particular steps taken in the proceedings;
- (f) costs relating to a distinct part of the proceedings; and
- (g) interest on costs from or until a certain date

7. In all decrees and orders another sum calculated at the rate of 10 per centum of the costs as determined under the above mentioned provision shall be the additional costs on account of the fee of the Advocate's clerk or clerks.

By Order of the Court,
VINOD KUMAR SINHA,
Registrar General.

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